

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT **RECEIVED**

MIDDLE

District of

ALABAMA, MIDDLE DIVISION

U.S. BANCORP EQUIPMENT FINANCE, INC., a
corporation,

V.

AFCO, INC., and FRANK E. JOHNSTON,

SUMMONS IN A CIVIL ACTION

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

CASE NUMBER: 2:06cv197-1D

TO: (Name and address of Defendant)

Frank E. Johnston
1828 Welcome Home Church Road
Horton, Alabama 35980-9578

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

C. Ellis Brazeal III
Walston, Wells & Birchall LLP
1819 5th Avenue North
Suite 1100
Birmingham, Alabama 35203

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Debra P. Hackett

CLERK

Will A. Pen

(By) DEPUTY CLERK

DATE

3/3/06

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.